

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
MICHELLE WILSON,

Plaintiff,

07 Civ. 2790 (CLB)

- against -

***Memorandum and Order***

NORTHWESTERN MUTUAL LIFE  
INSURANCE COMPANY,

Defendant.

-----X  
Brieant, J.

Before this Court for decision are three motions, which are resolved as follows:

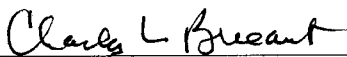
Doc. 3 - Motion filed April 13, 2007 to dismiss "Plaintiff's demands for compensatory damages and attorneys fees" is denied. This motion does not seek relief contemplated by Rule 12, but only to address the scope of damages. If granted, it will not lead to an appealable order or end the litigation.

Doc. 5 - Motion for Joinder and to Remand filed May 1, 2007 is denied. Plaintiff wishes to add as a defendant, Daniel Stein, a citizen of New York whose presence in the case would destroy diversity, as a basis to remand the case to state court. Mr. Stein's participation in the underlying facts was or should have been known to Plaintiff when the original complaint was filed, yet he was not sued. His presence in the case would add nothing to Plaintiff's claim nor would it increase her damages. The solvency and ability to respond in damages of the original defendant is unquestioned. The sole purpose of the motion is one of forum shopping.

Doc. 7 - Motion to Amend or correct the Complaint and Summons, filed May 1, 2007 is also denied for the same reasons as stated with respect to Doc. 5.

SO ORDERED.

Dated: White Plains, New York  
May 18, 2007

  
\_\_\_\_\_  
Charles L. Brieant, U.S.D.J.